

January 2008

Behested Payments	
Jim Palmer Tustin City Council Dated: January 17, 2008 File Number I-07-176	<p>Staff advised city council member who is also a full-time president of a 501(c)(3) non-profit corporation that any donations to the non-profit that are \$5,000 or more in the aggregate and made as his behest would be reportable by the city council member as behested payments. Donations made to the non-profit that are solely for a charitable purpose are neither gifts nor contributions per the facts as stated.</p>

Campaign	
Donald Z. Rogers Dated: January 25, 2008 File Number A-08-001	<p>Provided a local committee was redesignated according to conditions outlined in Regulation 18521, campaign funds raised into the account for reelection may be used to repay debt incurred by the committee for the previous election.</p>

Conflicts of Interest	
Mary Craton Canyon Lake City Council Dated: January 3, 2008 File Number I-07-193	<p>City Attorney sought advice as to whether councilmember whose personal residence is more than 500 feet from a large-scale development may participate in decisions involving a survey and plan area involving the project. Requestor advised that the financial effect of the governmental decision on the official's real property is presumed not to be material. However, even if the councilmember has a disqualifying conflict of interest in the development decisions, the facts provided indicate that the public generally exception for small jurisdictions may apply.</p>
Jan Horton Yorba Linda City Council Dated: January 14, 2008 File Number I-07-195	<p>A city council member requested information regarding a potential conflict of interest. The city councilmember's residence is within 500 feet of one section of a redevelopment project area. On this follow-up letter, Commission staff advised that the councilmember has a conflict of interest regarding those decisions affecting the project area within 500 feet of her house. For all other decisions, and those that are not inextricably linked to the aforementioned project area, she may vote. Staff advised that for each decision before the council, the councilwoman should apply the conflicts analysis.</p>

Tom Kupfrian Anaheim City Dated: January 29, 2008 File Number I-07-197	<p>An employee of a city may not participate in making governmental decisions regarding a historic district if it is reasonably foreseeable that the decisions will have any financial effect on his economic interests: real property, a business entity and possibly, sources of income. He owns two properties, one of which is within the district and another that is within 500 feet of the district. He has a business entity economic interest in one of the properties because he jointly owns it with another person as rental income. When two or more individuals own real property for rental purposes, they have a joint venture that is a “business entity” for purposes of conflict-of-interest analysis.</p>
James C. Harrison California Institute for Regenerative Medicine Dated: January 17, 2008 File Number I-07-200	<p>An employer of a public official’s former spouse would remain a potentially disqualifying “source of income” under the Act even though the marriage has subsequently been annulled.</p>
Jerry Bean Redlands City Council Dated: January 17, 2008 File Number A-08-003	<p>A councilmember may not make, participate in making or influence a government decision, even if it is only one item on a consent calendar. In addition, the councilmember must identify each type of economic interest involved in the decision as well as details of the economic interest on the record of the meeting. However, Section 87105 does not require the councilmember to leave the room since the decision is on a consent calendar.</p>
Jason Tiffany Midway Heights County Water District Dated: January 16, 2008 File Number I-08-007	<p>Informal assistance explaining that, on the facts presented, the District Manager of a public Water District may participate in decisions relating to merger with a private water company if it is not reasonably foreseeable that the merger would have a material effect on the official’s personal finances. Board members of the Water District may also participate in such decisions if it is not reasonably foreseeable that the merger would have a material effect on their economic interests. The determination of whether it is reasonably foreseeable that the merger decision will have a material financial effect upon the board members’ economic interest present factual questions that each official must decide from the information reasonably available to him or her at the time of the decision.</p>
Michael Termini Capitola City Council Dated: January 8, 2008 File Number A-07-198	<p>A city council member is advised that he may not return income received in order to avoid a potential conflict of interest in participating in a governmental decision involving a source of income economic interest.</p>

Gift	
Dr. KimOahn Nguyen-Lam Garden Grove Unified School District Dated: January 25, 2008 File Number A-07-199	<p>Attorney sought advice regarding whether donors may pay legal fees as a gift to a school board member, where the lawsuit is unrelated to and does not arise out of the board member's activities, duties, and status as a candidate. Requestor was advised that donors may make payments for legal fees owed by the board member. However, the payments for personal legal fees are considered reportable gifts and gifts from reportable donors are subject to the \$390 annual gift limit. In addition, the boardmember must not participate in any governmental decision that will materially affect any donor of the gifts totaling \$390 or more and received during the 12-month period prior to the government decision.</p>

Revolving Door	
Ingrid Fermin California Horse Racing Board Dated: A-08-002 File Number A-08-002	<p>The Act's post-governmental employment restrictions do not prohibit a former state agency designated employee from working for her former agency as an independent contractor. The individual was notified, however, that other restrictions outside the Act may apply.</p>

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Juanita G. Lira